

## REMARKS

This Amendment is submitted in response to the Examiner's Action dated September 11, 2002, having a shortened statutory period set to expire December 11, 2002, extended to January 11, 2003.

In that action, the Examiner notes a belief that the oath or declaration was defective for failing to include the application number and filing date, a notary's signature or the notary's signature is in the wrong place, or the notary's seal and venue. Applicant respectfully disputes the Examiner's position and notes that 35 U.S.C. § 25 permits a declaration to be submitted in lieu of an oath. As a declaration is not required to be under oath, the declarations submitted in the present application do not require a notary's signature seal or venue. All that is required in a declaration is an acknowledgement that willful false statements are punishable under 18 U.S.C. § 1001 and as the present declaration includes such a statement the Examiner's characterization of the present application as defective is not believed to be well founded.

Further, the declaration is not required to include the application number and filing date when the declaration is submitted with the specification attached thereto. The Manual of Patent Examination Procedure § 6.02 notes that a declaration filed with an application will comply with 37 C.F.R. § 1.63 if the declaration contains: (1) the names of the inventors and a reference to the specification attached thereto at the time of filing; (2) the names of the inventors and the attorney docket number; or (3) the names of the inventor and the title. As the present declaration includes the reference to a specification attached thereto, the names of the inventors and the docket number and the title of the invention this declaration is thought to be compliant with the requirement of 37 C.F.R. § 1.67(a) and the Examiner's characterization of the declaration as defective is not believed to be well founded.

Next, the Examiner has objected to the drawings, noting that the drawings utilized the reference character "206" to designate both "Call Processing A", "Call Processing B" and a "Mobility Manager Function" in the written description at page 12, line 28. Applicant submits herewith a proposed drawing correction in which "Call Processing B" has been amended to utilize the reference numeral 208 and the specification has been corrected to modify the

description of Mobility Manager Function to conform that description to the drawings as previously submitted.

Next, the Examiner notes an objection to the drawings because the reference character "304" has been utilized to designate both residential wideband within Figure 3 and multimedia-broadband data at page 14, line 22. The specification has been amended to conform the specification to the drawings and this objection is therefore believed to be overcome.

The Examiner has also noted that the reference character "520" refers to a block within Figure 5 and a portion of the specification which is not consistent with that block. A correction to the specification is submitted herewith which is believed to overcome that objection.

Similarly, the Examiner's objection with respect to the reference character "522" is believed to be overcome by the amendment to the specification submitted herewith.

The Examiner also notes that the drawings include various reference signs not mentioned in the description. By the amendments submitted herewith or the proposed corrected drawings submitted herewith either the objected to reference characters have been removed from the drawing or added to the specification and the Examiner's objection to the drawings in this matter is believed to be overcome.

Finally, the Examiner objects to the drawings for a failure to include the "call process function 208" mentioned an amendment to the specification and a proposed correction to the drawings have been submitted to correct this matter. Finally, the reference to "see Figure 6" included at page 16, line 12 has been amended to correctly refer to Figure 2.

As a consequence of the proposed drawing correction and specification amendments submitted herewith the Examiner's objection to the drawings is believed to be overcome.

The Examiner also objects to the disclosure noting an informality at page 14, line 27. By this amendment that informality has been corrected.

The Examiner has rejected claims 1-12 under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 6,205,143, issued to *Lemieux*. That rejection, insofar as it might be applied to the claims as amended herein, is respectfully traversed.

By the amendment to the claims submitted herewith, Applicant has clarified that the network access function of the present application includes means for translating an incoming signal from a received communication protocol into an appropriate second communication protocol based upon the target recipient of that data. Support for this function is described in the present Specification at page 16, lines 15-21 and page 17, lines 8-14.

This feature was more generally described in the previous claims within claim 4, for example, which describes converting from a first communication protocol to a second communication protocol. The Examiner had previously rejected this claim over *Lemieux* noting that at col. 5, lines 12-35 and cols. 13-19, *Lemieux* describes conversion of the received data. However, a close examination of *Lemieux* reveals that the data is described as being converted to an ATM cell of an appropriate sized format so that the data may be transmitted via an ATM network. Nothing within *Lemieux* shows or suggests in any way the translation of communications data from a first communication protocol to a second communication protocol based upon an identified target recipient for that data as described within the present Specification and set forth within the claims as amended herein. Consequently, Applicant urges that *Lemieux* cannot be said to anticipate, show or suggest the invention set forth within the claims as amended herein and the Examiner's rejection of all remaining claims in the present application and passage of this application to allowance is respectfully requested.

A request for a one-month extension of time and a check for the appropriate fee are enclosed herewith. No additional extension of time is believed to be required; however, in the event an additional extension of time is required, please consider that extension requested and please charge the fee for that extension, as well as any other fee necessary to further the prosecution of this application to **B&P's Deposit Account No. 50-0259**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. J. Dillon', written over a horizontal line.

Andrew J. Dillon

*Reg. No. 29,634*

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# Proposed Drawing Changes

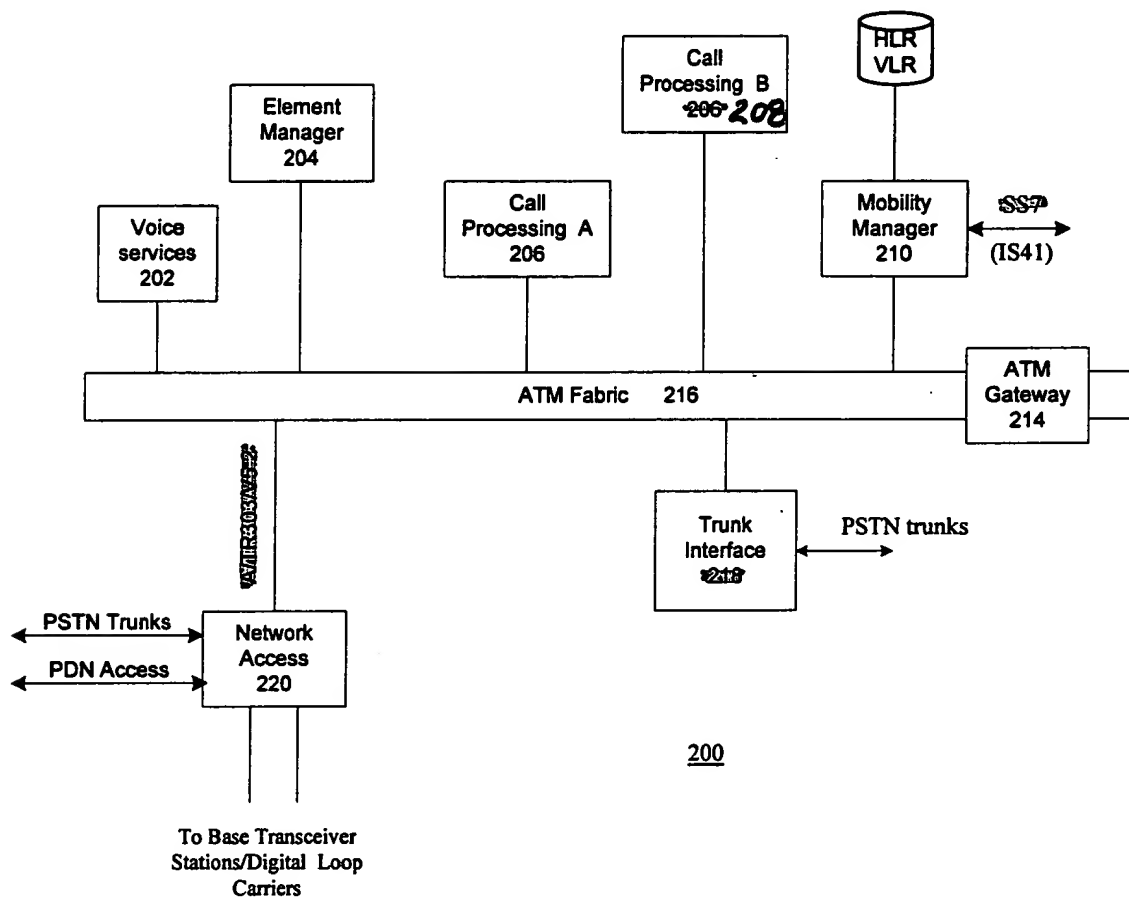


FIGURE 2